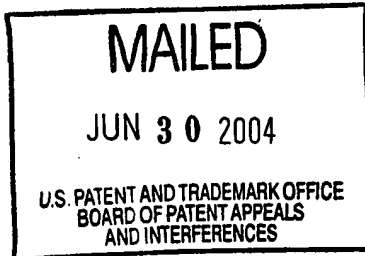


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte CHARLES J. GAZDIK,  
ELLIOT LEE KLOSTERMAN, SHANE KONSELLA,  
KWESI E. ABRAHAM and MICHAEL S. DE LAURENTIS

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Application 09/304,968

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on May 26, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the file reveals that an Appeal Brief was filed on October 10, 2002 (Paper No. 11). The examiner acknowledged the Appeal Brief in an Examiner's Answer mailed December 31, 2002 (Paper No. 12). Section 1208 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Aug. 2001) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

(1) Real Party in Interest. A statement acknowledging the identification of the real party in financial interest. . . .

(2) Related Appeals and Interferences. A statement acknowledging appellant's identification of related cases. . . .

The Examiner's Answer mailed December 31, 2002 (Paper No. 12) does not comply with the above requirement. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for taking corrective action regarding both the "Real Party in Interest" and "Related Appeals and Interferences";

Application 09/304,968

2. for written notification to appellants regarding  
the action taken; and

3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



DALE SHAW

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DS/psb/lc  
ra040635